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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,969	07/19/2004	Javier Munoz Ochovo	GAS-74	8430
20311	7590	10/07/2005	EXAMINER	
LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016			MAFAHER, NINA YASMIN	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/501,969

**Applicant(s)**

MUNOZ OCHOVO, JAVIER

**Examiner**

Nina Mafaher

**Art Unit**

2855

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 2-3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/19/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beus (5,728,953).

Beus discloses an apparatus for measuring the hanging weight of a load on a cable (Column 4, lines 32-34), with a central body, a stop to support the cable, a cable pressure element (Figure 1, #12, 14, 26, 36, 23, 24), and electronic components to show tension variations and the measured weight (Column 5, lines 18-23). Beus discloses the pressure element as a U-shaped clamp (Figure 1, #23, 24). It is known that these clamps are cylindrical and have a smooth surface.

Beus fails to teach cylindrical washers of different lengths, which separate the clamp from the support.

Beus teaches the use of multiple elements (Figure 1, #14) which serve as both a central body for the cable load sensing device and spacers for engagements with clamp elements (Figure 1, #23, 24). Beus states that although three flat metal bars are shown, one or two would be sufficient (Column 3, lines 50-55). Adding a second or third flat metal bar would add thickness to the overall beam structure (Figure 1, #12) of Beus as an option if desired by the user, thus, the space between the clamp and the central body can be increased or decreased depending on the

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diameter of the cable used in the application. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the flat metal bars of Beus with cylindrical washers since, the adding of flat washer material as a spacer between the claimed cylinder and support is a repetition of the concept and structure taught in Beus in which a flat material (flat metal bar) is placed to space the cylindrical U-shaped bolt or clamp section relative to the last or third flat metal surface of the beam structure (Figure 1, #12). Thus, the cylindrical U-shaped bolt or clamp would maintain or establish a separating distance of the cylindrical section contacting a cable with respect to the central body (Figure 1, #12) for passage of the cable held therein.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beus (5,728,953) in view of Kell (2003/0097885).

Beus teaches the invention as set forth above but fails to disclose that the electronic components are included with terminals for external connections.

Kell discloses a tensiometer for measuring tension on flexible cables, which allows an external interface to integrated circuits via and external connection (Paragraph 27, lines 13-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the electronics of Beus with that of Kell for the purpose of providing an external connection since this provides a means for transferring data from the device to a computer or other instrument for data evaluation (Paragraph 27, lines 13-16).

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***Claim Objections***

1. Claims 2 and 3 are objected to because of the following informalities: The numbering of claims is not in accordance with 37 CFR 1.75(f) which states claims must be numbered in Arabic numerals. Therefore the phrase "according to the first claim" should be "according to claim 1". Appropriate correction is required.

***Remarks***

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NYM

  
**Michael Tokar**  
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